

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number: 09-14575

Honorable Julian Abele Cook, Jr.

v.

BRUCE BUFORD,

Defendants.

ORDER

The Defendant, Bruce Buford, objects to a writ of continuing garnishment issued by the Government to the Michigan Department of Treasury. Buford requested a hearing to afford him an opportunity to challenge the writ on grounds that he is indigent and homeless as a result of incarceration. The matter was referred to Magistrate Judge Virginia M. Morgan for a report and recommendation, and is ready for a final ruling by the Court.

As the Magistrate Judge noted, the writ of garnishment arises from Buford's default on a student loan that was issued to him in 1988 in the amount of \$2,625. He defaulted on the loan in December of 1990, and when the loan holder was unsuccessful in its collection attempts, it transferred its rights in the loan to the U.S. Department of Education ("DOE"). In turn, the Government initiated this lawsuit against Buford on behalf of the DOE in November of 2009. The Plaintiff failed and/or neglected to respond to the complaint, and a default judgment was entered against him in the amount of \$7,231.08, which reflected both principal and interest. The Government submitted a writ of garnishment against Buford on May 25, 2010 to the Michigan

Department of Treasury, in an effort to recoup any money he might receive from present or future tax refunds. As the Magistrate Judge correctly notes, however, the Michigan Department of Treasury has not responded, rendering the record unclear as to whether it is holding any monies that might belong to Buford.

After holding a hearing upon Buford's request, the Magistrate Judge determined that Buford's real objection was not with paying the debt; in that regard, he assented to the garnishment of any future tax refunds at the hearing. Instead, Buford's complaint was chiefly with the circumstances under which the loan was made, inasmuch as he believed the monies were being offered to him as a grant, and not a loan. He notes that significant interest is now owing on what was originally a manageable \$2,700 debt.

Thus finding that Buford (1) had no true objection to the writ of continuing garnishment, and (2) is not presently working (and has no funds to garnish), the Magistrate Judge recommended that Buford's initial objection to the writ be rejected, while the Government's writ of continuing garnishment be allowed to stand.

The Court has received no objections to this finding by the Magistrate Judge, which the Court deems to be appropriate under the circumstances. Because Buford has no income, and does not object to the garnishment proceedings, the Court will, and does, adopt the report of Magistrate Judge Virginia M. Morgan and her recommendation in its entirety. Buford's objection to the writ of continuing garnishment is therefore denied.

IT IS SO ORDERED.

Dated: September 27, 2011
Detroit, Michigan

S/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 27, 2011

s/ Kay Doaks
Case Manager